

# Housing Element and Fair Share Plan

Fourth Round

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CHESTERFIELD TOWNSHIP, BURLINGTON COUNTY, NJ

JUNE 2025

AMENDED FEBRUARY 2026

Adopted by the Chesterfield Township Planning Board on June 24, 2025 by Resolution 2025-07 and on February 17, 2026 by Resolution 2026-\_\_\_\_.

Endorsed by Chesterfield Township Committee on June 26, 2025 and February \_\_ 2026.

Prepared by Leah Furey Bruder, PP, AICP  
LFB LAND PLANNING LLC

## Chesterfield Township Committee

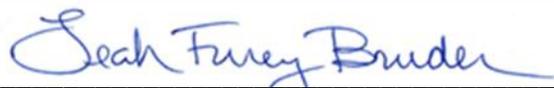
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Joseph R. Hirsh, PE, CME, CPWM, Township Engineer

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Leah Furey Bruder, AICP, PP  
New Jersey PP# 585100

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## I. Introduction and Executive Summary

This Fourth Round Housing Element and Fair Share Plan (“HEFSP”) has been prepared for Chesterfield Township in accordance with the New Jersey Fair Housing Act (“FHA”) and the applicable rules of the New Jersey Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 et seq. There are four components of a municipality’s affordable housing obligation under the regulatory scheme that has evolved since the *Mount Laurel I* and *Mount Laurel II* decisions. Beginning with the First Round of affordable housing in 1987, municipalities wishing to proactively plan to accommodate opportunities for affordable housing may opt to participate in the fair share planning process. The four elements of the obligation are: the Fourth Round Present Need (Rehabilitation Share), the Prior Round Prospective Need (Cumulative First and Second Round), the Third Round Gap and Prospective Need, and the Fourth Round Prospective Need. Since the 1990s Chesterfield has been simultaneously pursuing and implementing farmland preservation, support of the agricultural industry, planned growth, and the production of affordable housing. Chesterfield Township is in a unique position as the leader and steward of the only functioning and ongoing municipal Transfer of Development Rights (“TDR”) program in the State.

The Township initially filed its adopted and endorsed Fourth Round Housing Element and Fair Share Plan with the Affordable Housing Dispute Resolution Program on June 26, 2025. Three challenges to the Township’s HEFS Plan were filed pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b). The Township and the challengers participated in mediation sessions with the Affordable Housing Dispute Resolution Program throughout November and December 2025. Through a collaborative process that considered Chesterfield’s unique history and circumstances, the Township and the challengers have come to agreements that are reflected in this updated Fourth Round HEFS Plan. The Township entered into a mediation agreement with Fair Share Housing Center (“FSHC”) on January 23, 2026 and entered into a Memorandum of Intent with FSHC, Timber Ridge Management LLC and LBIII Block 107 Lots 20 and 20 QLLC on December 31, 2025.

Chesterfield Township’s cumulative affordable housing obligations are as follows.

Fourth Round Present Need /Rehabilitation Obligation	0
Prior Round Prospective Need	55
Third Round Gap and Prospective Need	90
Fourth Round Prospective Need	45

The Township has fully satisfied the Prior Round Prospective Need (1987-1999) of 55 with 1 market to affordable unit, 3 supportive and special needs credits (group home), 10 family rental units in inclusionary development, 27 family for sale units in inclusionary development, and 14 rental bonus credits. The Prior Round compliance is detailed in Section IV.A(1).

The Third Round Gap/ Prospective Need (1999-2025) is being satisfied with a combination of inclusionary development in the TDR receiving area at Old York Village and a proposed 100% affordable housing development at 87 Bordentown Chesterfield Road. Third Round compliance

plan includes 5 family rental units in inclusionary development, 21 family for sale units in inclusionary development, 41 family rental units in 100% affordable development and 23 rental bonus credits. The Township's Third Round history, relevant factors, and approach are detailed in Sections IIC and IID.

The Fourth Round Prospective Need (2025-2035) of 45 units will be satisfied with the development of 22 to 25 family rental units within the 100% affordable housing development at 87 Bordentown Chesterfield Road, 12 family for sale units in inclusionary development within the TDR receiving area, and 11 bonus credits. Excess credits above 45 will be applied to the Fifth Round. Small scale residential developments within the remaining TDR receiving area and designated redevelopment areas, that would result in the production of two or fewer affordable units may opt to make a payment-in-lieu of providing affordable housing. The payment will be deposited to the Affordable Housing Trust Fund and utilized to support the 100% affordable housing development at 87 Bordentown Chesterfield Road or a potential four-bedroom group home in the future.

## II. *Mount Laurel* Affordable Housing Background

### A. Judicial Background

In the landmark 1975 decision in the case of *Southern Burlington County NAACP v. the Township of Mount Laurel*, (commonly known as *Mount Laurel I*), the New Jersey Supreme Court held that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low- and moderate-income housing in their communities. In its second significant *Mount Laurel* decision, decided on January 20, 1983 (*Mount Laurel II*), the Supreme Court expanded the *Mount Laurel* doctrine by determining that this constitutional responsibility to address the present need for affordable housing extended to all municipalities in New Jersey, and that the responsibility to address regional prospective need for affordable housing extended to all developing municipalities in New Jersey. The Court also established various remedies, including the "builder remedy" or court-imposed zoning, to ensure that municipalities affirmatively addressed this obligation.

In response to the *Mount Laurel II* decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws of New Jersey, 1985). The Fair Housing Act established the Council on Affordable Housing (COAH) as an administrative alternative to the courts. COAH was given the responsibility of dividing the state into housing regions, determining regional and municipal fair share affordable housing obligations, and adopting regulations that would establish the guidelines and approaches that municipalities may use in addressing their affordable housing need. COAH drafted regulations and calculated regional and municipal fair share numbers for Round 1 (1987-1993) and again for Round 2 (1993 -1999). However, the Round 2 methodology superseded the First-Round methodology and the cumulative period (1987-1999) became known as the "Prior Round".

For the Third Round, which should have begun in 1999, COAH adopted regulations in 2004 intended to cover a ten-year period through 2014. In 2007 the first iteration of the Third Round

rules were invalidated by a New Jersey Appellate Court decision, and COAH was ordered to propose amendments to its rules. The second iteration of the Third Round rules were adopted in June and October of 2008. The rules were again challenged and ultimately invalidated by the Court in 2010. After being ordered by the NJ Supreme Court to do so, COAH then attempted to adopt a third set of Third Round regulations in 2014, but failed, resulting in additional challenges. These challenges lead to the Supreme Court's decision *In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing*, 221 N.J. 1 (2015) ("*Mount Laurel IV*"), in which it held that since COAH was no longer functioning, trial courts were to resume their role as the form of first instance for evaluating municipal compliance with *Mount Laurel* obligations, and also established a transitional process for municipalities to seek a Judgment of Compliance and Repose ("JOR") in lieu of Substantive Certification from COAH.

While the Supreme Court's decision set forth a procedural path for municipalities to address their Third Round fair share obligations, it did not specifically assign those obligations. Instead, the fair share obligation was to be negotiated by the municipalities and Fair Share Housing Center and determined by the trial courts. The Supreme Court directed that the method of determining municipal housing obligations would be "similar to" the methodologies used in the Prior Round calculations. Additionally, the Court provided that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and certain components of COAH's 2008 regulations that were specifically upheld, as well as the Fair Housing Act to guide planning for affordable housing, preparation of fair share plans, and implementation.

In 2017 the New Jersey Supreme Court determined that the "lost" period of time between 1999 and 2015 when no valid affordable housing regulations were in force, still generated an affordable housing obligation to address housing needs that continued to accrue during that time.<sup>1</sup> This time period became known as the "gap period" and is now a component of the Third Round obligation.

In 2018 Judge Jacobson decided a Third Round methodology In the Matter of the Application of the Municipality of Princeton, L-1550-15. As a result of this decision, which only legally applied to Princeton and West Windsor, Econsult Solutions, Inc. extrapolated a calculation of Statewide, regional, and municipal Third Round prospective need obligations that have been referenced and utilized by municipalities and the Courts in cases where a Third Round Fair Share Settlement had not been entered prior to that decision.

## B. Legislative Background

The New Jersey Legislature has been both responsive to the *Mount Laurel* Judicial decisions and at times proactive in its efforts to craft a comprehensive planning and implementation response to the affordable housing mandate. Significant amendments to the Fair Housing Act were enacted in 2008 and 2024.

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<sup>1</sup> The Third Round gap present need is a measure of low- and moderate-income households that formed from 1999 and 2015 and that were still in need of housing in 2015.

On July 17, 2008, P.L. 2008c. 46 (also referred to as A500) amended the Fair Housing Act. The following significant changes were made:

- It established a statewide 2.5% non-residential development fee payable to the municipal or State Affordable Housing Trust Fund instead of requiring non-residential developers to provide affordable housing;
- It eliminated new regional contribution agreements (“RCAs”) as a compliance technique available to municipalities. Prior to the change, a municipality could fund the transfer up to 50% of its fair share to a so called “receiving” municipality where the money would be used to create or rehabilitate affordable housing.
- It added a requirement that 13% of all affordable housing units be restricted to very low-income households, which it defined as households earning 30% or less of median income;
- It added a requirement that municipalities had to commit to spending development fees within four years of the date of collection.

On March 20, 2024 the legislature adopted P.L. 2024 c.2 which amended the Fair Housing Act and other related statutes. This amendment intends to provide a more predictable and consistent approach to affordable housing planning and implementation and to enable maximum production of low- and moderate-income housing units. The 2024 amendments to the Fair Housing Act are intended to implement the Mount Laurel doctrine and provides that municipalities in compliance with the Fair Housing Act are also in compliance with the Mount Laurel doctrine. The following are highlights of the 2024 amendments to the Fair Housing Act:

- The Council on Affordable Housing is formally abolished.
- The NJ Department of Community Affairs (“DCA”) is required to promulgate municipal obligations using an adjusted methodology set forth in the amended Fair Housing Act. The obligations are to be considered advisory, not binding, but any municipal adjustment to the fair share obligation must follow the methodology set forth in the law.
- Establishes timelines for the municipal compliance process and related challenges. Municipalities must abide by the timelines in order to retain immunity from exclusionary zoning lawsuits.
- Requires the New Jersey Housing and Mortgage Finance Agency and the DCA to update the Uniform Housing Affordability Controls (“UHAC”) along with other rules governing the production and administration of affordable housing.
- Establishes the Court- based Affordable Housing Alternate Dispute Resolution Program (“Program”) that is charged with resolving challenges to municipal determinations of fair share needs and compliance efforts.

- Provides for a minimum of 40 year control period for new affordable rental units;
- Modifies the criteria for affordable housing bonuses that may be claimed in municipal fair share plans.
- Establishes a specific timeline for the steps needed to establish municipal affordable housing obligations, to challenge the determinations, and to adopt a Housing Element and Fair Share Plan, in order for them to retain their immunity from exclusionary zoning litigation.
- Establishes new reporting and monitoring procedures and deadlines for both affordable units and affordable housing trust funds and assigns oversight for reporting and monitoring to DCA.

This Housing Element and Fair Sare Plan has been prepared to address the essential components of a Housing Element (as required by N.J.S.A. 52:27D-310 and N.J.S.A. 40:55D-28), to meet the requirements of the FHA as most recently amended, and to meet the intent of Administrative Directive #14-24.

### C. Chesterfield Township Affordable Housing History

Chesterfield Township adopted its first Housing Element in 1985 after the *Mount Laurel II* decision (1983), but before the adoption of the NJ Fair Housing Act and before the creation of Council on Affordable Housing (COAH). At that time, the NJ State Development Guide Plan designated the northwest corner of the Township as a “growth area” (in the vicinity of the Garden State Youth Correctional Facility, and the Bordentown and Hamilton Township borders). As such, the 1985 Housing Element included several alternatives for development on the unconstrained and available land in the “growth area” that would result in satisfaction of the fair share obligation. A new residential zoning district with increased density and a 20% affordable housing set aside was established for the area generally bound by Hogback Road, Ward Avenue, and the NJ Turnpike. An ordinance was also adopted to permit affordable accessory apartments in the AG residential district.

The Fair Housing Act was adopted in 1985 which established the Council on Affordable Housing as an administrative alternative to the courts. In 1987 COAH published its first set of municipal fair share obligations. Chesterfield was allocated a 62-unit fair share obligation. In 1992 the State Development and Redevelopment Plan was adopted, which removed the “growth area” for Chesterfield and identified the entire Township as a rural planning area. By this time, the Burlington County Transfer of Development Rights Demonstration Act had been adopted by the State Legislature (in 1989) and the potential for implementation in Chesterfield was being

evaluated. In 1994 COAH adopted its second set of substantive regulations and allocated municipal affordable housing obligations through 1999. The first round was recalculated, and the 1987 to 1999 period became cumulative. Chesterfield's cumulative calculated need was determined to be 68 units (13 indigenous/rehabilitation need and 55 prospective need). In 1995 Chesterfield prepared and filed its second round Housing Element and Fair Share Plan with COAH, but did not petition for substantive certification.

In 1989 the New Jersey Legislature adopted the Burlington County Transfer of Development Rights Demonstration Act (N.J.S.A. 40:55D-113 through 129) which acknowledged the challenges that faced local governments as they sought to accommodate vital growth while preserving the natural resources of the Garden State and aimed to provide a tool for municipalities in Burlington County to plan and ensure that growth and preservation may be compatible goals and that the goals may be achieved in an equitable manner. Throughout the 1990s Chesterfield Township worked with the Burlington County Land Use office to prepare for and lay the foundations for implementation of the Transfer of Development Rights (TDR) program. This included natural resources, conservation and soils studies, transportation studies, community facilities studies, utility and infrastructure studies, market studies, and architectural studies.

In 1997 Chesterfield adopted a Master Plan that recommended a voluntary Transfer of Development Credits program to advance the goal of preserving major contiguous blocks of farmland, protecting landowner equity, and enabling context sensitive growth while minimizing infrastructure and the costs of public services. The 1997 Master Plan anticipated that the receiving area would accommodate as many as 1,220 development credits and as many as 1,700 housing units. On September 16, 1997 a revised Housing Element was adopted, proposing to satisfy the 68 unit (13 present need and 55 prospective need) fair share obligation through a housing rehabilitation program, an accessory apartment program, inclusionary zoning within the receiving area, and an optional RCA program for the transfer of up to 50% of the total obligation in lieu of onsite construction within the receiving area. The Township also filed a petition for substantive certification with COAH.

In 1998 the Township revised the Housing Element to streamline the compliance plan to rely entirely on inclusionary development to meet the entire Prior Round fair share obligation. In 2001 the Township withdrew from COAH, prepared an updated Housing Element and Fair Share Plan that brought together all of the prior planning efforts, affirmed the capacity to accommodate the Prior Round fair share obligation within the TDR receiving area, and filed a Declaratory Judgment action with the Superior Court.

In 2003 Judge Sweeney found Chesterfield Township's HEFS Plan for the Prior Round (1987 – 1999) obligation to be in compliance with the NJ Fair Housing Act and *Mount Laurel* doctrine in satisfying the Township's first and second round fair share need. The Township received a Judgment of Compliance and Repose (for 6 years).

The Township's Prior Round compliance plan relied primarily on a 6% affordable housing set aside within the receiving area. The 6% set aside was arrived at by evaluating the need to maintain the value of the development credits in the sending area (landowner equity) to incentivize voluntary participation, and the need to ensure that the economic burden of the affordable units combined with other mandated improvements (including the collector road system, the creation of the sanitary sewer collection system, and other off tract improvements) was not heavier in the receiving area than in competing market areas. The Fair Share Plan was intended to ensure that affordable units were created commensurate with the buildout of the receiving area, and that economic interests were balanced in a sustainable way.

When COAH released the first iteration of the Third Round rules in 2004, incorporating the "growth share" methodology, the Township determined that it would be prudent to seek a ruling from the Court to clarify the implications of the COAH rules relative to Chesterfield's long range planning program. On December 14, 2005 Judge Sweeney executed an Order, finding that the 6% affordable housing set aside provided for in the Township's Prior Round fair share plan as it related to the TDR receiving area was justified and that "no third round affordable housing growth share obligation shall be attributable to the Township as a result of any residential, retail or office development by non-governmental entities within the existing receiving area established by the 1997 Master Plan". The finding was largely based on a "Planning Report on Chesterfield Township's Third Round Fair Share Obligation" prepared by Phil Caton and dated October 11, 2005.

In an Order executed on December 14, 2007, Judge Sweeney extended the Township's second round protection from exclusionary zoning litigation until new Third Round rules were adopted. In an Order executed on February 22, 2008, Judge Sweeney reaffirmed the 2005 Order stating that "the Township shall be entitled to continue to rely upon same in its efforts to assess its Third Round obligation and plan for its satisfaction in light of COAH's repropoed and revised third round rules". In 2009 Township planner Phil Caton prepared an analysis of the Township's Third Round Affordable Housing obligation based on the second iteration of the Third Round COAH rules. The analysis and calculation were prepared based on "growth share" as the operating methodology, but with consideration for the structure of the planned TDR program that was already underway.

Since the growth in the receiving area had defined limits, the unknown variable was the extent to which landowners would opt in to the program, thus extinguishing development potential within

the sending area. In 2009 the Township agreed to conduct biennial plan evaluation reviews of the actual growth in the sending area to evaluate the accrued fair share obligation. In an Order executed on June 16, 2010 Judge Bookbinder approved an adjustment of the Township's Third Round growth share obligation from 69 (as calculated by COAH) to 17 units and confirmed that no growth share obligation would be attributable to the Township from growth and development in the TDR receiving area. The submission deadline for the Township's fair share plan was extended to September 30, 2010.

On September 14, 2010 the Township adopted a Third Round Housing Element and Fair Share Plan demonstrating compliance with the Prior Rounds and the adjusted Third Round Growth Share obligation. The prior round obligation was 55 units (the present need/rehabilitation obligation is recalculated with each census) and with the development of the receiving area underway, affordable housing was being constructed. The Third Round obligation was set at 17 units (based on actual growth in the sending area from 2004 through 2009 and projected growth in the sending area from 2009 through 2019). COAH's Third Round rules and the "growth share" methodology were overturned by the Court in October 2010.

On June 28, 2011, Judge Bookbinder executed an Order extending the Township's immunity protection from Third Round exclusionary zoning litigation and builder's remedy lawsuits until 90 days after new Third Round rules take effect. On July 20, 2011, Judge Bookbinder executed an Order requiring the Township to continue to implement the components of its Fair Share Plan in the TDR receiving area that will provide for affordable units toward the third round.<sup>2</sup>

The New Jersey Supreme Court's March 2015 *Mount Laurel IV* decision held that the review and approval of all exclusionary zoning matters would be heard by Trial Court Judges rather than by COAH. This decision set forth a procedural path but did not provide new "Third Round rules" and did not rule on the precise methodology that would be used to calculate fair share numbers. Virtually all developments in Chesterfield since the 1990s have taken place within the receiving area. The Township therefore continued with implementation of the receiving area inclusionary zoning scheme that had been developed to balance various competing demands, and that became a model and case study referenced throughout the State and the Country.

The Township's 2017 Master Plan Reexamination and Amendment carried forward the 2009 Reexamination recommendations related to third round fair share compliance. In 2022 the

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<sup>2</sup> The Township has continued implementing the inclusionary development scheme that was approved by the Court. Implementation has satisfied the Prior Round and has yielded 26 units for the Third Round. A total of 1,133 residential units have been constructed in the receiving area, resulting in 63 deed restricted affordable units.

Township initiated a review of the Third Round obligations calculated by Econsult following Judge Jacobson's 2018 decision *In the Matter of the Application of the Municipality of Princeton, L-1550-15*. The Township found that there is a fundamental disconnect between the fair share methodology and the exceptional circumstance of the Township's TDR program, considering the explicit economic balance that had been established to maintain equity between the sending and receiving areas, and that was necessary for the Township's successful TDR program.

A more detailed explanation of the TDR program is included in section D below. As the receiving area has been developed over the last 20 years, affordable housing units have been constructed as part of each section of the planned development. The current inventory of affordable units is Appendix D.

To increase opportunities for affordable housing while maintaining the basic integrity of the TDR program, in 2025 the Township commissioned Otteau Group to conduct a Market Study and Feasibility Report to evaluate the economic feasibility of increasing the affordable housing set aside within the remaining undeveloped portions of the receiving area (PVD zones) while maintaining the viability of the Transfer of Development Credit program. The study and conclusions have informed the Township's discussions with the largest remaining undeveloped landowner in the receiving area and have informed the inclusionary portion of the Third and Fourth Rounds fair share compliance plan.

## **D. Transfer of Development Rights (TDR) Program and Fair Share Obligation Analysis**

In 1998 Chesterfield Township became the first municipality in New Jersey to enact and implement a municipal-wide Transfer of Development Rights (hereinafter "TDR") land use and zoning program. In the face of intense residential development pressure, Chesterfield's leaders, in coordination with Burlington County and the State of New Jersey, planned and implemented a comprehensive growth management program with agriculture at its core. By all conventional planning indices, the TDR program has done very well and is achieving the objectives it was designed to achieve. The market in development credits in Chesterfield has been fully functional since the program's inception in 1998 with credit values appreciating substantially over the last 27 years. As the buildout of the receiving area nears completion, the Township has emerged with its rural and historical character intact and as a model community where residential growth, affordable housing, and agricultural production coexist.

A key component of Chesterfield's TDR program was the satisfaction of the Township's 12-year cumulative affordable housing obligation (Prior Round). The Township's 2001 Housing Element and Fair Share Plan included an analysis of the respective acreage and development credits assigned to the Sending and Receiving Areas, the credits required for various residential uses (no credits are required for affordable housing units), the development capacity of the Receiving Area

considering environmental constraints, and the PVD zoning standards, and concluded that the application of a 6% affordable housing set aside within the Receiving Area would create a realistic opportunity for achieving the Prior Round fair share obligation without undermining the TDR program overall. The 2001 Housing Element provided an economic justification for the 6% set aside. The comparatively low set aside was determined with consideration for the variety of costs to be incurred by developers in the receiving area and intended to ensure that development in the receiving area remained competitive with development in neighboring municipalities. There were many interconnected factors that needed to align to ensure that the TDR program was economically viable. Since the program was voluntary, the credit value needed to be high enough that landowners would be motivated to sell them (thereby preserving farmland). The affordable housing set aside needed to represent an economic burden equivalent to that being borne by competing market rate residential developers throughout the Chesterfield market area so that developers would be interested in buying credits and developing in the planned village. Parity was important to maintain, particularly at the relatively low densities (2-3 units per acre) which prevail in the developments approved within the Receiving Area.

The 6% set aside was also determined to be consistent with the subsequent January 25, 2007 decision by the Appellate Division which found, among other deficiencies with COAH's rules, that developers could not be compelled to bear an affordable housing burden beyond properly established developer fees without a compensating zoning benefit. The TDR planning program transfers development from one area of the town to another but does not increase the overall density above what could have been developed had the entire town been consumed by suburban sprawl based on the pre-TDR zoning. The 6% set aside was specifically selected to balance the two principal State policy goals that were shared by Chesterfield and included in the Master Plan: accommodating growth while preserving the municipality's established agricultural character and satisfying the municipality's constitutional obligation to provide for its fair share of the regional need for housing affordable to low- and moderate-income households. If the affordable housing set aside percentage had been increased above 6% it would have begun to diminish the value of development credits and thereby erode landowner equity – a critical foundation for a successful TDR program. Further, if the set aside had been reduced below 6% the likelihood of achieving the Township's prior round fair share obligation could have been jeopardized and would not have provided a realistic opportunity.

These facts were recognized in 2005 when the Superior Court found that no growth share obligation would accrue from development by non-governmental entities in Chesterfield's Receiving Area.

Specifically, the December 14, 2005 Order by Judge Sweeney stated:

*"The Court accepts the 'rational basis' justifications set forth in the Planner's Report as more fully amplified in the Court's comprehensive bench determinations. The contents of the Planner's Report (marked as Exhibit 'A' at the Hearing) and the Court's December 7, 2005 bench determinations are adopted and incorporated by reference herein as if set forth herein at length. As such, the Court finds and determines pursuant to N.J.A.C. 5:94-2.4(a)(3) that there was and is a 'rational basis' to*

*justify a 6% affordable housing set-aside in the Township's existing second round Housing Element and Fair Share Plan as it relates to the TDR 'Receiving Area' that heretofore received judicial approval, consequently, no third round affordable housing growth share obligation shall be attributable to the Township as a result of any residential, retail or office development by non-governmental entities within the existing 'Receiving Area' established by the 1997 Master Plan of Chesterfield Township."*

In the February 22, 2008 Order, Judge Sweeney reaffirmed the 2005 Order and stated:

*"All of the Court's findings and determinations in prior Orders up to and including the most recent Order entered on December 14, 2005 are ratified and confirmed and the Township shall be entitled to continue to rely upon same in its efforts to assess its third round obligation and plan for its satisfaction in light of COAH's repropose and revised third round rules."*

In 2010 when a Third Round Fair Share Plan was being prepared, the Township continued its reliance upon the 2005 and 2008 Orders. The Township evaluated its Third Round growth share obligation, premised on the fact that development by private developers in the Receiving Area would not factor in the calculation of the Third Round obligation. Only development outside the Receiving Area would generate a third round "growth share" obligation for Chesterfield.

While the "growth share methodology" was overturned in 2010, the principles upon which the above determinations were made remained and remain relevant. It is implicit in a TDR program that growth is finite. The program is premised on the established expectation of development potential in both the sending and receiving areas, and the objective of directing growth to the planned village receiving area. Special consideration would be (and is) given to small scale redevelopment, infill, and other emergent opportunities to ensure that residential development would be inclusionary and that commercial development would contribute funds in support of affordable housing.

In 2011 Judge Bookbinder issued orders extending Chesterfield's immunity protection from exclusionary zoning litigation and requiring the Township to continue to implement the inclusionary zoning in the TDR receiving area to provide affordable housing toward the Third Round fair share obligation.

Consistent with Superior Court decisions and the ongoing cooperative approach to Chesterfield's TDR program by the Township, County, and State, the Township proceeded with implementation of the TDR program and the approved affordable housing set aside. Chesterfield aims to satisfy its remaining Third Round and Fourth Round prospective need obligations in a manner that is responsive to the specific circumstances of Chesterfield's specific planning history and growth management program. Through the fair share planning and mediation process the Township's Third Round and Fourth Round obligations have been established and the Township has identified compliance mechanisms that will increase the supply of restricted affordable housing units while also supporting farmland preservation and agriculture retention and while maintaining the

integrity of the Planned Village (TDR receiving area) and the historic villages of Crosswicks and Chesterfield.

## E. Timelines

N.J.S.A. 52:27D-304.1 provides that following the expiration of the Third Round of affordable housing on July 1, 2025, a municipality shall have immunity from exclusionary zoning litigation if the municipality complies with the deadlines established for both determining present and prospective obligations and for adopting a housing element and fair share plan to meet those obligations. The New Jersey Department of Community Affairs (DCA) prepared calculations of regional need and municipal present and prospective need obligations in accordance with the methodology and formulas established in 52:27D-304.2 and C.52:27D-304.3. These obligations are set forth in a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background”. The following is an overview of the timelines that are set forth in the amended Fair Housing Act for Fourth Round participation, and Chesterfield’s responses to the timeline.

1. January 31, 2025. For the fourth round of affordable housing obligations participating municipalities were required to determine their present and prospective fair share obligations by binding resolution no later than January 31, 2025.

Chesterfield Township adopted Resolution 2025-1-33 on January 23, 2025.

The Declaratory Judgement Action was filed with the program on January 24, 2025, Docket BUR-L-000199-25.

2. February 28, 2025. Challenges to the municipal determination were required to be filed by February 28, 2025.

Challenges were filed by the New Jersey Builders Association (NJBA) and Fair Share Housing Center (FSHC).

3. March 31, 2025. Decisions on challenges to the municipally determined obligation shall be decided by the program by March 31, 2025 and an order will be entered by the vicinage’s judge.

Chesterfield Township participated in dispute resolution sessions on March 10, 2025 and March 19, 2025. At the mediation, the Township, FSHC, and NJBA agreed to a Fourth Round fair share obligation of 45 units. The Affordable Housing Dispute Resolution Program recommended the Settlement to the Court.

On April 17, 2025, by Order of Judge Cook, the municipal fourth round prospective need obligation was fixed at 45.

4. June 30, 2025. Municipalities are required to adopt a housing element and fair share plan and propose drafts of the appropriate zoning and other ordinances and resolutions to implement its present and prospective obligation by June 30, 2025, and file it with the Program.

Chesterfield's Housing Element and Far Share Plan were filed on June 26, 2025.

5. August 31, 2025. Challenges to the adopted housing element and fair share plan alleging non-compliance with the Fair Housing Act must be filed by August 31, 2025.

A challenge was filed by Fair Share Housing Center on August 27, 2025. A challenge was filed by Timber Ridge Management LLC on August 28, 2025. A challenge was filed by Brian Gordaychik on September 2, 2025.

A Mediation Agreement was signed on **January 20, 2026**.

6. March 15, 2026. The municipality shall adopt Implementing ordinances and resolutions by March 15, 2026.

This amended Housing Element and Fair Share Plan outlines the Township's revised compliance plan. Ordinances and resolutions to implement the plan will follow.

## F. Housing Element Requirements

Pursuant to both the Fair Housing Act (52:27D-310) and the Municipal Land Use Law (N.J.S.A. 40:55D-28 and-62), municipalities in New Jersey are required to include a housing element in their master plans. The land use element and the housing plan element are the foundations for the municipal zoning ordinance. The housing element is designed to provide information and perspective to guide the municipality toward identifying its present and prospective housing needs and to provide the foundations that will enable the municipality to provide access to affordable housing opportunities to meet the identified needs with particular attention to low- and moderate-income housing. The Fair Housing Act requires that the Housing Element include the essential elements outlined below (**N.J.S.A. 52:27D-310**).

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not

necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

## G. Directive #14-24 Requirements

The March 20, 2024 amendments to the Fair Housing Act (P.L. 2024 c.2) established the Affordable Housing Alternate Dispute Resolution Program (the “Program”) within the Judiciary that is responsible for reviewing challenges to municipal fair share determinations and municipal compliance efforts. Administrative Directive #14-24 was issued to promulgate procedures and guidelines for implementing the Program. The Directive includes an Addendum outlining the elements to be included in the Housing Element and Fair Share Plan. These elements are outlined below.<sup>3</sup>

1. Detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.
2. The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis. When the detailed analyses are completed, the municipality can see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced. If it becomes apparent that one (or more) of the sites in the plan does not have the capacity to accommodate all of the development proposed for it, the burden will be on the municipality either to adjust its zoning regulations (height, setbacks, etc.) so that the site will be able to yield the number of units and affordable units anticipated by the settlement agreement or to find other mechanisms or other sites as needed to address the likelihood of a shortfall.
3. The final HEFSP must fully document the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.
4. The HEFSP must include an analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement.

Once the HEFSP has been prepared, it must be reviewed by Fair Share Housing Center and the Program’s Special Adjudicator for compliance with the terms of the executed settlement

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<sup>3</sup> The Directive references consistency with an executed “Settlement Agreement”. However the Round 4 process does not require a settlement agreement at this juncture.

agreement, the Fair Housing Act (FHA) and Uniform Housing Affordability Controls (UHAC) regulations. The HEFSP must be adopted by the Planning Board and the implementation components of the HEFSP must be adopted by the governing body.

### III. Housing Element Analysis

#### A. Demographic Characteristics

##### 1. Population

The changes in population in Chesterfield Township, Burlington County and the State of New Jersey from 1930 through 2024 are shown in Table 1. Chesterfield experienced relatively steady population growth from 1930 through 1990, with ten-year population increases ranging from 254 (during the 1940s) and 677 (during the 1980s). During the post World War II suburban housing boom, Burlington County overall grew at a much higher rate than Chesterfield Township. The 1950s through 1970s were a time of substantial residential development in suburbs in the path of expansion out from urban areas. Chesterfield grew during this time, but the growth rate was slower, as infrastructure and suburban support services were not readily available or extendable, and farming remained a viable and productive use of the land. As development pressure mounted and consumptive land development patterns crept closer, Chesterfield worked to lay the foundations for its Transfer of Development Rights program. Chesterfield's population growth after 2000 was primarily driven by compact housing development at Old York Village (the TDR receiving area). The largest net increases in population have occurred between 2000 and 2010 (1,744) and 2010 and 2020 (1,723).

The presence of the Albert C. Wagner Youth Correctional Facility (opened in 1934) and the Garden State Youth Correctional Facility (opened in 1968) in Chesterfield have also factored into the Township's population. As of 2025 there are 961 inmates at the GSYCF. The Wagner facility was closed in 2020 as part of a Department of Corrections consolidation plan.<sup>4</sup>

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<sup>4</sup> The closure of the Albert C Wagner facility may partly explain the estimated loss of population in Chesterfield between 2020 and 2024, even though additional development in the TDR receiving area has been completed during that time.

**Table 1  
Population Trends**

Year	Chesterfield Township			Burlington County			New Jersey		
	Population	Change since last Census		Population	Change since last Census		Population	Change since last Census	
		Number	Percentage		Number	Percentage		Number	Percentage
1930	1,269	--	--	93,541	-	-	4,041,334	-	-
1940	1,766	497	39.2%	97,013	3,472	3.7%	4,160,165	118,831	2.9%
1950	2,020	254	14.4%	135,910	38,897	40.1%	4,835,329	675,164	16.2%
1960	2,519	499	24.7%	224,499	88,589	65.2%	6,066,782	1,231,453	25.5%
1970	3,190	671	26.6%	323,132	98,633	43.9%	7,168,164	1,101,382	18.2%
1980	3,867	677	21.2%	362,542	39,410	12.2%	7,364,823	196,659	2.7%
1990	5,152	1,285	33.2%	395,066	32,524	9.0%	7,730,188	365,365	5.0%
2000	5,955	803	15.6%	423,394	28,328	7.2%	8,414,350	684,162	8.9%
2010	7,699	1,744	29.3%	448,734	25,340	6.0%	8,791,894	377,544	4.5%
2020	9,422	1,723	22.4%	461,860	13,126	2.9%	9,288,994	497,100	5.7%
2024*	9,022	-400	-4.4%	475,515	13,655	3.0%	9,500,851	211,857	2.3%

Source: U.S. Census Bureau, Decennial Census and 2024 Population and Housing Unit Estimates \* 2024 is an estimate

## 2. Population Composition by Age

According to the 2023 American Community Survey 5-year estimates, the median age of the residents of Chesterfield in 2023 was 34.8 years.<sup>5</sup> Analysis of age group characteristics provides insight into the demographic shifts and trends in a municipality. Changes in age group data reflect a number of demographic trends, which can be helpful in considering how the changes impact housing, community facilities and services needs for the municipality and the County overall. Between 2000 and 2020 the age composition of Chesterfield has fluctuated among each age cohort. While the population overall has increased by 58%, the number of children under the age of 14 has increased by 178%. The number of adults aged 35 to 64 has also increased disproportionately. This is reflective of the demographic purchasing new homes in the TDR receiving area. Over time, the population will age, and then housing turnover will bring a new wave of younger families.

<sup>5</sup> The presence of the Garden State Youth Correctional Facility, housing young adult inmates ranging from 18 to 30 years old impacts the median age in the Township.

Population	2000		2020		Change, 2000 to 2020	
	Number	Percentage	Number	Percentage	Number	Percentage
Total population	5,955	100%	9,422	100%	3,467	58.2%
Under 5 years	183	3.1%	404	4.3%	221	120.8%
5 to 14	378	6.3%	1,161	12.3%	783	107.1%
15 to 24	2,568	43.1%	2,799	29.7%	231	9.0%
25 to 34	1,262	21.2%	1,525	16.2%	263	20.8%
35 to 44	513	8.6%	1,120	11.9%	607	118.3%
45 to 54	489	8.2%	997	10.6%	508	103.9%
55 to 64	263	4.4%	735	7.8%	472	179.5%
65 and over	299	5.0%	681	7.2%	382	127.8%

Source: US Census Bureau, Decennial Census

### B. Housing Characteristics

There were 2,573 housing units in Chesterfield as of 2023. The Township’s housing stock consists primarily of single-family houses (77.9%), followed by a substantial number of single attached houses (16.8%). The stock of single-family detached units makes up a greater portion of the Township’s housing stock (77.9%) than that of Burlington County overall (64.4%) and has a comparable percentage of single family-attached (townhouse) units (16.8%) to the County (14.5%). The Township’s renter population occupies approximately 6.6% of the housing units.

Number of Units in Structure	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
1, Detached	1,927	74.9%	31	1.2%	47	1.8%	2,005	77.9%
1, Attached	349	13.6%	63	2.4%	21	0.8%	433	16.8%
2	0	0%	0	0%	33	1.3%	33	1.3%
3 or 4	11	0.4%	27	1.0%	0	0%	38	1.5%
5 to 9	0	0%	0	0%	0	0%	0	0%
10 or more	14	0.5%	50	1.9%	0	0%	64	2.5%
Other	0	0%	0	0%	0	0%	0	0%
<b>Total</b>	<b>2,301</b>	<b>89.4%</b>	<b>171</b>	<b>6.6%</b>	<b>101</b>	<b>3.9%</b>	<b>2,573</b>	<b>100%</b>

Source: US Census Bureau, 2019-2023 American Community Survey Five Year Estimates Table B25024, Table B25032

The approximate age of Chesterfield Township’s housing stock is shown in Table 4. The median year of construction of all housing units in the Township is 2004 which is substantially newer than that of Burlington County (1977) and the State overall (1969). Approximately 57% of the Township’s housing stock was built after 2000, while 6.1% was built prior to 1940 (primarily in the villages of Crosswicks, Chesterfield, Sykesville). Renter-occupied units in Chesterfield are generally even newer than owner-occupied units, as rented residential units in the TDR receiving area have been more recently constructed.

Year Built	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
2020 or later	18	0.7%	23	0.9%	0	0%	41	1.6%
2010 to 2019	624	24.3%	61	2.4%	33	1.3%	718	27.9%
2000 to 2009	811	31.5%	66	2.6%	21	0.8%	898	34.9%
1990 to 1999	172	6.7%	0	0%	47	1.8%	219	8.5%
1980 to 1989	169	6.6%	0	0%	0	0%	169	6.6%
1970 to 1979	58	2.3%	0	0%	1	0.0%	59	2.3%
1960 to 1969	121	4.7%	0	0%	0	0%	121	4.7%
1950 to 1959	150	5.8%	7	0.3%	0	0%	157	6.1%
1940 to 1949	21	0.8%	0	0%	0	0%	21	0.8%
1939 or earlier	156	6.1%	14	0.5%	0	0%	170	6.6%
<b>Total</b>	2,301	89.4%	171	6.6%	101	4.0%	2,573	100%
<b>Median Year Built</b>	<b>2004</b>		<b>2010</b>		<b>(X)</b>		<b>2004</b>	

Sources: Table B25034, Table B25036, and Table B25037 U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

As shown in Table 5, 60.2% of all housing units in Chesterfield Township contain four (4) bedrooms or more. Homes in Chesterfield are larger relative to the County and State overall, where 33.3% and 25.6% of housing units have four or more bedrooms.

Bedrooms per Unit	Units	Percent
Efficiency	0	0%
1 Bedroom	101	3.9%
2 Bedrooms	161	6.3%
3 Bedrooms	764	29.7%
4 Bedrooms	1,438	55.9%
5+ Bedrooms	109	4.3%
Total	2,573	100%
Source: Table DP04 U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates		

Between 2013 and 2023, housing values for owner occupied units in Chesterfield increased by 25% (not accounting for inflation). The sharp increase in residential real estate values is consistent with a substantial increase in demand for residential real estate outside of major metropolitan areas beginning during the covid pandemic. In 2013, 30.7% of all owner-occupied homes in the Township were valued at \$500,000 or more; by 2023, that had grown to 43.6%. Approximately 79.7% of homeowners in Chesterfield have a mortgage or other debt on their property, while approximately 26.1% have no mortgage or debt on their property. This is higher than the percentage of homeowners with mortgages across Burlington County (66.6% with mortgage and 33.4% without) and reflects the newer housing stock in the receiving area.

Housing Unit Value	2013		2023	
	Units	Percent	Units	Percent
Less than \$50,000	24	1.5%	0	0%
\$50,000 to \$99,999	9	0.6%	11	0.5%
\$100,000 to \$149,999	18	1.1%	20	0.9%
\$150,000 to \$199,999	10	0.6%	71	3.1%
\$200,000 to \$299,999	221	14.1%	105	4.6%
\$300,000 to \$499,999	808	51.4%	861	37.4%
\$500,000 to \$999,999	473	30.1%	1,195	41.9%
\$1,000,000 or more	9	0.6%	38	1.7%
<b>Total</b>	<b>1,572</b>	<b>100%</b>	<b>2,301</b>	<b>100%</b>
<b>Median Value</b>	<b>\$415,800</b>		<b>\$520,300</b>	

Sources: Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates;

	Township		Burlington County	
	Number	Percentage	Number	Percentage
Housing units with a mortgage, contract to purchase, or similar debt:	1,700	73.9%	88,755	66.6%
With either a second mortgage or home equity loan, but not both:	133	5.8%	10,177	7.6%
Second mortgage only	19	0.8%	1,402	1.1%
Home equity loan only	114	5.0%	8,775	6.6%
Both second mortgage and home equity loan	0	0%	258	0.2%
No second mortgage and no home equity loan	1,525	66.3%	75,895	56.9%
Housing units without a mortgage	601	26.1%	44,570	33.4%

Source: U. S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates, Table B25081

The median rent in Chesterfield Township in 2023 was \$2,118 dollars, compared to \$1,465 across Burlington County. According to American Community Survey data there are only 108 rental units in Chesterfield where a contract rent is paid. For such a small number of rental units, the survey data may not be reflective of the full picture. For example, it is known that there are 16 deed restricted affordable rental units in Chesterfield.

<b>Table 8</b>				
<b>Contract Gross Rent</b>				
<b>Chesterfield Township and Burlington County, 2023 Estimates</b>				
	<b>Chesterfield Township</b>		<b>Burlington County</b>	
	<b>Units</b>	<b>Percent</b>	<b>Units</b>	<b>Percent</b>
Total Renter Occupied Units	171	100%	42,721	100%
Less than \$200	0	0%	290	0.7%
\$200 to \$399	0	0%	1,026	2.4%
\$400 to \$599	0	0%	580	1.4%
\$600 to \$799	0	0%	1,436	3.4%
\$800 to \$999	7	4.1%	3,529	8.3%
\$1,000 to \$1,499	20	11.7%	14,921	34.9%
\$1,500 to \$1,999	23	14.5%	11,522	27.0%
\$2,000 to \$2,499	17	9.9%	5,374	12.6%
\$2,500 to \$2,999	27	15.8%	1,810	4.2%
\$3,000 to \$3,499	14	8.2%	554	1.3%
\$3,500 or more	0	0%	399	0.9%
No cash rent	63	36.8%	1,280	3.0%
<b>Median Contract Rent</b>	<b>\$2,118</b>		<b>\$1,465</b>	
Source: American Community Survey 2019-2023, 5-year estimates, Table B25056, Table 25058				

### C. Households

Households are defined as one or more people, related or not, living together as a housekeeping unit. In 2023 there were 2,472 total households living in Chesterfield Township. Four-person households make up the largest household size at 27.1% of all households, whereas in the County overall only 14.7% of households consist of four people. The average household size in Chesterfield is 3.23 persons, which is higher than Burlington County’s average household size of 2.58. Only 6.8% of Chesterfield’s households are one person households, compared to 27.7% for the County overall.

According to the U.S. Census, family households are defined as two or more persons living in the same household related by birth, marriage, or adoption. As shown in Table 10 a large majority of households in the Township were categorized as family households (87.8%). Households in Chesterfield consisting of a married couple with children under the age of 18 accounted for 42.8% of all households, compared with 20.2% for the County overall. Single parent households with children account for an additional 6.7% of all households in Chesterfield.

The household composition in Chesterfield is linked to the type of housing, the age of the housing, the public school system, and other community factors.

Table 9 Household Size- Occupied Housing Units, 2023 Chesterfield Township and Burlington County				
	Chesterfield Township		County	
	Number	Percent	Number	Percent
<b>Total Households</b>	<b>2,472</b>	<b>100%</b>	<b>176,046</b>	<b>100%</b>
1-person household	168	6.8%	46,962	27.7%
2-person household	564	22.8%	57,994	32.9%
3-person household	606	24.5%	29,079	16.5%
4-person household	671	27.1%	25,903	14.7%
5-person household	170	6.9%	10,883	6.2%
6-person household	98	4.0%	3,609	2.0%
7-or-more-person household	24	1.0%	1,616	0.9%
<b>Average Household Size</b>	<b>3.23</b>		<b>2.58</b>	
Source: American Community Survey 2019-2023, 5-year estimates Table B25009 and S1101				

Table 10 Household Size and Type, 2023 Chesterfield Township		
	Total	Percent
<b>Total Households</b>	<b>2,472</b>	<b>100%</b>
<b>Family households</b>	<b>2,171</b>	<b>87.8%</b>
<i>Married Couple Family</i>	1,859	75.2%
With own children under 18 years	1,059	42.8%
No children under 18 years	800	32.4%
<i>Other Family</i>	312	12.6%
Male householder, no spouse present	75	3.0%
With own children under 18 years	31	1.3%
Female householder, no spouse present	237	9.6%
With own children under 18 years	134	5.4%
<b>Nonfamily Households</b>	<b>301</b>	<b>12.2%</b>
<b>Average Family Size</b>	<b>3.46</b>	
Source: US Census Bureau, American Community Survey 2019-2023, 5-year estimates Table S1101		

## D. Income Characteristics

### 1. Household Income

As measured in by the American Community Survey 2023 5-year estimate, Chesterfield Township had a significantly higher median household income than that of Burlington County and the State of New Jersey overall. In 2023, the median household income in Chesterfield Township was \$193,224, which is \$87,953 more than Burlington County overall and \$92,174 more than the State overall. However, per capita income in Chesterfield was \$58,113 compared to \$53,077 in Burlington County and \$53,118 for the State overall. This underscores the differences in household and family size. While Chesterfield’s household income is high relative to the County and State, the difference is significantly diminished when accounting for household size.

<b>Table 11</b>		
<b>Per Capita and Household Income</b>		
	<b>2023 Per Capita Income</b>	<b>2023 Median Household Income</b>
Chesterfield Township	\$58,113	\$193,224
Burlington County	\$53,077	\$105,271
New Jersey	\$53,118	\$101,050
Source: 2023 American Community Survey 5-year Estimates, Tables 19013 and 19301		

The distribution of household income for Chesterfield Township is listed below. The highest percentage of households (44.3%) fall into the \$200,000 or more income bracket. This category was followed by those households that earned \$100,000 to \$149,999 (17.6%). In Chesterfield, 7.3 percent of households earned less than \$50,000, compared to 23.7 percent of the County’s households overall.

Table 12 Household Income Chesterfield Township and Burlington County, 2023				
	Chesterfield Twp		Burlington County	
	Number	Percentage	Number	Percentage
<b>Total Households</b>	<b>2,472</b>	<b>100%</b>	<b>176,046</b>	<b>100%</b>
Less than \$10,000	0	0%	5,362	3.0%
\$10,000 to \$14,999	12	0.5%	1,969	1.1%
\$15,000 to \$24,999	11	0.4%	6,523	3.7%
\$25,000 to \$34,999	74	3.0%	8,027	4.6%
\$35,000 to \$49,999	83	3.4%	19,955	11.3%
\$50,000 to \$74,999	210	8.5%	22,911	13.0%
\$75,000 to \$99,999	150	6.0%	23,250	13.2%
\$100,000 to \$149,999	436	17.6%	35,553	20.2%
\$150,000 to \$199,999	401	16.2%	23,631	13.4%
\$200,000 or more	1,095	44.3%	33,865	19.2%
<b>Median Household Income</b>	<b>\$193,224</b>		<b>\$105,271</b>	
Source: 2019-2023 American Community Survey 5-year Estimates, Tables B19001 and B19013				

## 2. Poverty Rates

The 2025 Federal Poverty Guidelines define poverty by income thresholds. For a one-person household the Federal poverty income is \$15,650, for a two-person household it is \$21,150, for a three-person household it is \$26,650 and for a four-person household it is \$32,150. Eligibility for assistance programs often use percentages of the federal poverty level to determine eligibility. Since New Jersey is a high-income state with high cost of living, State programs typically use a higher income threshold (such as 138% of the Federal Poverty Level).

Table 13 Poverty Level		
	Families	Individuals
<b>Chesterfield Township</b>	<b>2.6%</b>	<b>2.9%</b>
<b>Burlington County</b>	<b>4.9%</b>	<b>6.8%</b>
Source: US Census Bureau, 2019-2023 American Community Survey 5 year estimates, Tables S1701 and S1702		

## 3. Income Limits and Rents

In order to be eligible for deed restricted affordable housing in New Jersey, a household’s income must be below the income limit for the region in which the housing is located. Generally, housing is considered affordable for a household if no more than 30% of gross income is spent on housing costs. Restricted affordable housing is made affordable for households earning up to 80% of the

median income in the region. The Fair Housing Act and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1) define very-low income households (those earning up to 30% of the median household income for the region), low-income households (those earning up to 50% of the median household income for the region) and moderate-income households (those earning from 50% to 80% of the median household income for the region). The maximum income figures are adjusted for household size and the municipality’s geographic location within the State (there are six regions) and are updated yearly.

The Uniform Housing Affordability Controls (UHAC) provide that the maximum rent for a qualified affordable unit must be affordable to households that earn no more than 60% of the median income for the region and the average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable for households that earn no more than 70% of the median income. The average sale price must be affordable for a household that earns no more than 55% of the median income. Each time an affordable housing development or unit is being prepared for the market, the rent or sales price is calculated by the Township’s or the developer’s certified administrative agent.

Chesterfield Township is located within region five, which includes Burlington, Camden and Gloucester Counties. Deed restricted affordable housing units must be made affordable to a mix of very low-income, low-income, or moderate-income households. The maximum income depends on the number of people in the household. The table below shows 2025 maximum income limits for households of different sizes in Region 5.

<b>Table 14</b>			
<b>2025 Region 5 Income Limits by Household Size</b>			
<b># Persons</b>	<b>Very Low Income</b>	<b>Low Income</b>	<b>Moderate Income</b>
1	\$25,080	\$41,800	\$66,880
2	\$28,680	\$47,800	\$76,480
3	\$32,250	\$53,750	\$86,000
4	\$35,820	\$59,700	\$95,520
5	\$38,700	\$64,500	\$103,200
6	\$41,580	\$69,300	\$110,880
Source: NJHMFA, Effective May 16, 2025			

The table below shows illustrative affordable rents in region 5.

Table 15 2025 Illustrative Rents for Region 5				
	unit type	% of median income	Gross rent (all utilities included)	FINAL RENT: Net Rents (Minus utilities not included)
1 Bedroom				
	VL	30.00%	\$672	\$418
	LOW	50.00%	\$1,120	\$866
	MOD	60.00%	\$1,344	\$1,090
2 Bedroom				
	VL	30.00%	\$806	\$502
	LOW	50.00%	\$1,344	\$1,040
	MOD	60.00%	\$1,613	\$1,309
3 Bedroom				
	VL	30.00%	\$932	\$573
	LOW	50.00%	\$1,553	\$1,194
	MOD	60.00%	\$1,863	\$1,504
Source:				

The table below shows illustrative affordable sales prices in region 5.

Table 16 Region 5 Illustrative Affordable Sales Prices (\$250 HOA fees, 6.73% interest rate)			
	Income	% of Median	Sale Price
1 BR			
	Very Low	30.00%	\$45,891
	Low	50.00%	\$96,763
	Mod	60.00%	\$ 122,198
	Mod	65.00%	\$134,916
	Mod	70.00%	\$147,634
2 BR			
	Very Low	30.00%	\$ 61,136
	Low	50.00%	\$122,170
	Mod	60.00%	\$152,687
	Mod	65.00%	\$167,946
	Mod	70.00%	\$183,204
3 BR			
	Very Low	30.00%	\$75,358
	Low	50.00%	\$145,874
	Mod	60.00%	\$181,132

	Mod	65.00%	\$198,761
	Mod	70.00%	\$216,390
Source CGP&H, May 2025			

Affordable sales prices vary depending on Homeowner Association (HOA) fees, current property taxes, and current mortgage interest rates.

## E. Housing Affordability

### 1. For Sale Housing Units

Based on CGP&H’s 2024 illustrative sales price numbers, as many as 78 (3.8%) of for sale units may be affordable to low- and moderate-income households overall (depending on the number of bedrooms in the unit).

### 2. For Rent Housing Units

Based on CGP&H’s’s 2025 illustrative rents, as many as 27 units, or 15.8%, may be affordable to low- or moderate-income renters depending on the unit size.

Housing is generally considered to be affordable if the costs of rents, mortgages, and other essential costs consume 28% or less of an owner-household’s income or 30% or less of a renter-household’s income. Homeowner rates are lower to account for the additional home maintenance costs associated with ownership. In Chesterfield Township, while only 25% of all households in owner occupied units are expending more than 30% of their income on housing, nearly 41% of renter households are paying more than 30% of their income on housing. At higher income levels, the higher percentage spent on housing is easier to absorb than it is at lower income levels.

Chesterfield Township Housing Affordability						
Monthly Housing Costs as % of Income	Owner Occupied		Renter Occupied		All	
	Units	Percent	Units	Percent	Units	Percent
Less than 20%	1,106	48.1%	57	52.8%	1,163	48.3%
20 to 29%	622	27.0%	7	6.5%	629	26.1%
30% or more	573	24.9%	44	40.7%	617	25.6%
Not Computed	0	0%	63	58.3%	63	2.6%
Total	2,301	100%	108	100%	2,409	100%
Remaining occupied units have zero income and/or no cash rent						
Source: 2019-2023 American Community Survey Table DP04						

**F. Substandard Housing Capable of Being Rehabilitated**

Approximately 17.4% of Chesterfield’s housing stock, roughly 448 housing units, was constructed before 1970. Overall housing in Chesterfield is well maintained. In some communities, older housing units are the most likely to be substandard or in need of rehabilitation. However, in Chesterfield much of the older housing stock is in the historic village areas, where value has been preserved and where property owners are meticulous about caring for their homes.

The present need is defined by the FHA as the number of substandard existing deficient housing units currently occupied by low-and moderate-income households. The present need (rehabilitation) fair share obligation is calculated using three proxy factors for each municipality including (a) the number of housing units lacking complete kitchen facilities, (b) the number of units lacking complete plumbing facilities and (c) the number of overcrowded units more than 50 years old that are occupied by low- and moderate-income households. The proxy data is intended to reflect the number of substandard units in the municipality occupied by low-and moderate-income households that may be in need of rehabilitation. The data is based on tabulations of survey responses. The DCA’s calculation methodology is intended to account for overlap.

According to the American Community Survey Five Year Estimates, in 2023, there were zero housing units in Chesterfield Township that were overcrowded (more than 1 person per room) and were in structures that were built before 1950. Zero units had incomplete kitchen facilities and zero units had incomplete plumbing facilities. These conditions are used in New Jersey’s affordable housing methodology as indicators of housing deficiency.

<b>Table 18</b>			
<b>Chesterfield Deficient Housing Units</b>			
	Incomplete Plumbing	Incomplete Kitchen	Crowded and Build Prior to 1950
Number of Units	0	0	0
Source: 2019-2023 American Community Survey Five-Year Estimate Tables B25050 and B25051			

## G. Employment Data

### 1. Labor Force Estimates

Table 19 details changes in employment among Chesterfield Township residents from 2007 through 2024. The numbers are estimates from the New Jersey Department of Labor and Workforce Development. Employment among Chesterfield Township residents in the labor force has increased as the Township’s population has grown. This is particularly true because the housing types that have been constructed in the receiving area since 2007 are designed to accommodate families with working aged adult householders. The unemployment rate in Chesterfield has generally aligned with the unemployment rate in the County and the State and has been reflective of national and regional shifts in the economy. Unemployment in Chesterfield increased during the recession in 2009 and lasted through 2012, when the employment rate began to decline, until 2020 when unemployment jumped up again during the global covid pandemic. The covid induced unemployment in Chesterfield was less severe than in the County and State overall, likely because of the jobs held by Chesterfield residents, and the ability to work from home.

<b>Year</b>	<b>Labor Force</b>	<b>Employment</b>	<b>Unemployment</b>	<b>Unemployment Rate</b>
2007	1,570	1,512	58	3.7%
2008	1,586	1,510	76	4.8%
2009	1,601	1,469	132	8.2%
2010	1,853	1,727	126	6.8%
2011	2,319	2,180	140	6.0%
2012	2,892	2,644	248	8.6%
2013	2,890	2,678	212	7.3%
2014	2,842	2,674	168	5.9%
2015	2,832	2,692	140	4.9%
2016	4,247	4,103	144	3.4%
2017	4,255	4,120	135	3.2%
2018	4,267	4,143	124	2.9%
2019	4,306	4,201	105	2.4%
2020	4,254	4,024	230	5.4%
2021	4,101	3,935	166	4.0%
2022	4,248	4,136	112	2.6%
2023	4,469	4,331	138	3.1%
2024	4,497	4,347	1,150	3.3%
Source: New Jersey Department of Labor and Workforce Development Labor Force Estimates				

## 2. Class of Worker

According to the American Community Survey data, the vast majority of workers (75.4%) living in Chesterfield Township in 2023 were part of the private wage and salary worker group. This group includes people who work for wages, salary, commission, and tips for a private for-profit employer or a private not-for-profit, tax-exempt or charitable organization. The second largest category was government worker (20.2%), followed by those who were self-employed (4.5%).

<b>Table 20</b> <b>Class of Worker</b> <b>Chesterfield Township, 2023 Estimates</b>		
	<b>Number</b>	<b>Percentage</b>
Employed Civilian population 16 years and over	4,296	100.0%
Private Wage and Salary Worker	3,238	75.4%
Government Worker	866	20.2%
Self-Employed Worker	192	4.5%
Unpaid Family Worker	0	0%

Source: 2023 American Community Survey 5-Year Estimates, Table DP01

## 3. Employment by Industry

The table below indicates the industries that Chesterfield Township residents work in. According to the 2023 American Community Survey 5 year estimates, there were 4,296 employed Chesterfield Township residents in 2023.

Private Sector Category	Number of Jobs	Percent
Agriculture, forestry, fishing and hunting, and mining	6	0.1%
Construction	357	8.3%
Manufacturing	270	6.3%
Wholesale trade	89	2.1%
Retail trade	156	3.6%
Transportation and warehousing, and utilities	204	4.7%
Information	104	2.4%
Finance and insurance, and real estate and rental and leasing	646	15.0%
Professional, scientific, and management, and administrative and waste management services	547	12.7%
Educational services, and health care and social assistance	1,175	27.4%
Arts, entertainment, and recreation, and accommodation and food services	305	7.1%
Other services, except public administration	74	1.7%
Public administration	363	8.4%
<b>Total Covered Employment</b>	<b>4,296</b>	<b>100%</b>
Source: Source: 2023 American Community Survey 5-Year Estimates, Table DP03		

#### **4. Chesterfield Township Employment by Sector**

There is limited information available about actual jobs and employers within individual municipalities. The New Jersey Department of Labor collects quarterly information on covered employment, which is employment and wage data for employees covered by unemployment insurance. This data excludes small businesses, self-employed people, part-time workers, and some agricultural work that is not covered by unemployment. The U.S. Census Bureau’s Center for Economic Studies also tracks “covered employment” for various geographic areas. Covered employment data includes only those jobs for which unemployment compensation is paid.

Industry ID and Description		Avg Units	Avg Employment
	Local Govt	2	123
	State Govt	8	175
61	Local Govt- Education	1	109
11	Agriculture	8	28
23	Construction	13	75
31	Manufacturing	-	-
42	Wholesale Trade	4	37
44	Retail Trade	7	117
48	Transportation/Warehousing	-	-
51	Information	-	-
52	Finance/Insurance	7	22
53	Real Estate	-	-
54	Professional/Technical	29	75
55	Management	-	-
56	Admin/Waste Remediation	9	75
62	Health/Social	12	26
71	Arts/Entertainment	8	59
72	Accommodation/Food	6	94
81	Other Services	-	-
99	Unclassifieds	10	12
	Private Sector Totals	136	719
Source: NJ Department of Labor & Workforce Development, Quarterly Census of Employment and Wages by sector, 2023.			

## H. Population and Housing Projections

The Delaware Valley Regional Planning Commission (“DVRPC”) is the Metropolitan Planning Organization (“MPO”) for all of Region 5, including Burlington County, and publishes population and employment projections. The DVRPC projects that Chesterfield’s population and employment will increase by 7.1% and 9.7%, respectively, from 2020 to 2050. As Table 23, Population, and Employment Projections, 2020 to 2050 shows, both population growth in Chesterfield is anticipated to be greater than that of Burlington County overall, as the receiving area is built out. Employment growth, however, is anticipated to be less than that of Burlington County overall.

As detailed in Section IIC and IID of this Plan, in the 1980s Chesterfield acknowledged its location in the path of suburban development and took action to alter the course of the land consumptive and sprawling development pattern. Within the Township there is a clear delineation between the designated growth area (receiving area and villages) and the rural and agricultural area (sending area). As municipalities closer to the urban center have built out, land within

Chesterfield’s receiving area has become the focus of residential development. The remaining receiving area land, and the proposed expanded receiving area, are well positioned to accommodate well designed and complementary development, while the rural sending area is well positioned to hold the line on suburban sprawl and to ensure that valuable farmland and environmentally sensitive areas are preserved and protected from encroachment.

<b>Table 23</b>						
<b>Population, and Employment Projections, 2020 to 2050</b>						
	Chesterfield Township			Burlington County		
	2020	2050	% Change	2020	2050	% Change
Population	9,422	10,088	7.1%	461,860	481,500	4.3%
Employment	1,895	2,078	9.7%	272,361	304,810	11.9%
Source: DVRPC County and Municipal Population and Employment Forecasts 2020-2050						

The Fair Housing Act requires that the Housing Element include a projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.

<b>Table 24</b>			
<b>Chesterfield Township</b>			
<b>Residential COs and Demolition Permits Issued</b>			
<b>Year</b>	<b>Certificates of Occupancy</b>	<b>Demolitions</b>	<b>Net New Dwellings</b>
2013	25	1	24
2014	26	0	26
2015	51	0	51
2016	49	1	48
2017	58	4	54
2018	41	1	40
2019	36	0	36
2020	28	1	27
2021	2	0	2
2022	1	2	-1
2023	3	0	3
<b>Total</b>	<b>320</b>	<b>10</b>	<b>312</b>
<b>Annual Average</b>	<b>32</b>	<b>1</b>	<b>31.2</b>
Source: NJDCA Construction Reporter, Yearly Summary Data			

Though the DCA’s Construction Reporter data indicates that 312 certificates of occupancy have been issued in Chesterfield over the ten-year period between 2013 and 2023, this number does not specifically inform the Township’s growth projection for the next ten years. Since Chesterfield is a planned community, growth is not linear. While it is influenced by general market forces, it is also influenced by the availability of land in the receiving areas, and the availability of TDR credits. The following table includes information about approved and projected development. It is anticipated that 181 new residential units will be added to the housing inventory over the next ten years. Changes proposed as part of the Fourth Round Fair Share Plan will increase development potential with an increase in permitted density on Block 107 Lot 20 (62 acres) and a 100% affordable development consisting of 25 residential units. These sites are not included in the projection in table 25.

Table 25 Chesterfield Township Anticipated Residential Development 2025-2035				
Development Name	Unit Type	Status	# of Units	Projected Completion
118NP (receiving area)	Single family detached Single family attached	Approved	12	2027
Bentley Farm (receiving area)	Single family detached	Approved	23	2027
Ottavi Property (receiving area)	Single family detached	Proposed	11	2028
Crosswicks Firehouse Redevelopment (Crosswicks)	Multi-family	Proposed	3	2027
Mincemeat Factory Redevelopment (Crosswicks)	Single Family	Proposed	5	2028
Liedtka Property (Receiving Area)	Single Family detached Single Family attached	Zoned	115	unknown
Total Projected Housing Units through 2035			<b>169</b>	

**I. Consideration of Lands Appropriate for Affordable Housing and Consistency with the State Development and Redevelopment Plan**

The Fair Housing Act requires that a municipal housing element must include consideration of lands most appropriate for construction of low- and moderate-income housing and existing structures most appropriate for conversion, or rehabilitation for low- and moderate-income housing. The evaluation must include a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing. The Act further requires an analysis of consistency with the State Development and Redevelopment Plan.

Chesterfield Township is divided into three distinct types of land use areas that generally coincide with the “Centers” and “Environs” designations contemplated by the State Plan. The entirety of Chesterfield Township is within the Rural Planning Area (PA-4), but there are three distinct historic

village and hamlet areas including Crosswicks, Chesterfield, and Sykesville. The fourth village is Old York Village, the planned TDR receiving area. The designated sewer service area generally aligns with the State correctional facilities where the wastewater treatment plant is located (northwest of the NJ Turnpike), Old York Village, and Crosswicks Village. The Chesterfield Village and Sykesville Hamlet area are not served by public water or sewer systems. The Township's planned growth approach has worked because of the bold leadership, vision, and persistence that enabled the creation and adoption of a land use planning strategy that interrupted the march of conventional sprawl development. The Township's master plan and development regulations have set clear expectations and well-defined boundaries for the TDR sending and receiving areas. The sending area is characterized by farms, agricultural operations, and low-density residential areas. The receiving area is a coordinated traditional neighborhood development. A "Transfer of Development Rights Current Status Map" is included as Appendix C. This map shows the TDR receiving area and the preserved and active farms in the Township.

Consistent with long standing Township, County, and State planning policies, the Township aims to accommodate affordable housing within the designated growth areas. The receiving area has been inclusionary since the outset. The Township aims to increase the supply of affordable housing units in Chesterfield by increasing the affordable housing set aside for the remaining undeveloped and unapproved receiving area (and making other necessary changes to enable the increase) and by identifying a location for a 100% affordable housing development within existing designated growth and sewer service areas. The proposed inclusionary village and 100% affordable family rental development will make efficient use of utilities and resources, will provide opportunities for a variety of housing types, and will enable a well-connected community with access to shopping, recreation, and employment. Concentrating development opportunities in the receiving area of the Township is consistent with the Township's complementary goals related to the protection of large contiguous areas of valuable farmland and agricultural soils that contribute to regional and State needs for productive farmland and agricultural products. The Planning Areas from the State Plan Policy Map and the Sewer Service Area are shown on **Map 1**.

## **J. Consistency with Recommendations of Multigenerational Family Housing Continuity Commission**

The Fair Housing Act requires that the Housing Element consider the extent to which municipal ordinances and other local factors advance or detract from the goals of preserving multi-generational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, established pursuant to paragraph (1) of subsection f. of 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20). As of the time of the preparation of this Housing Element and Fair Share Plan, the Commission has not issued a report. The Township supports multi-generational housing.

## IV. Fair Share Plan

The Fair Housing Act at N.J.S.A. 52:27D-310 requires that the housing element include a determination of the municipality’s present and prospective fair share and its capacity to accommodate the present and prospective housing needs as established in N.J..SA. 52:7D-304.1. As required by the law, the Department of Community Affairs calculated Fourth Round regional affordable housing need and allocated the need to municipalities in accordance with the methodology and formulas established in the law.

The Township’s cumulative affordable housing obligation consists of four components that have accrued since the “first round” of affordable housing beginning in 1987. The four components are: the Fourth Round Present Need obligation (“Rehabilitation Share”), the Prior Round obligation (combined First and Second Round), the Third Round Gap and Prospective Need obligation, and the Fourth Round Prospective Need obligation. Present Need resets with each round of affordable housing based on an evaluation of census data relating to the number of deficient housing units occupied by low- and moderate-income households existing at the beginning of that round. The obligation in the Prior Round, Third Round, and Fourth Round is also known as “Prospective Need” which refers to the provision of affordable housing necessary to address the demand for housing based on regional population growth and household formation. The Third Round addresses an extended period of time and includes the “Gap” Need obligation for 1999 to 2015 and the Third Round Prospective Need obligation for 2015 to 2025.

Chesterfield Township Fair Share Obligation	
Fourth Round Present Need /Rehabilitation Obligation	0
Prior Round Prospective Need	55
Third Round Gap and Prospective Need	90
Fourth Round Prospective Need	45

The Affordable Housing sites are shown on Map 2. The map does not show each individual affordable unit within the TDR receiving area but identifies the entire receiving area as an inclusionary development. The “Leidtka Site” on lot 20 in Block 107 is specifically identified, as the modifications to the TDR program and zoning requirements will enable an increased affordable housing set aside on this site.

### Present Need/Rehabilitation Share

In accordance with the amended Fair Housing Act, a municipality's present need obligation shall be determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, following a methodology comparable to the methodology used to determine third round present need, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof. (N.J.S.A. 52:27D-304.3(7)(b))

The Present Need affordable housing obligation number is intended to reflect the number of existing deficient housing units currently occupied by low-and moderate-income households that are in need of rehabilitation. The number is calculated using three proxy factors including (a) the number of housing units lacking complete kitchen facilities, (b) the number of units lacking complete plumbing facilities and (c) the number of overcrowded units more than 50 years old that are occupied by low- and moderate-income households (applying a calculated percentage of units occupied by LMI households). The available data is based on tabulations of survey responses.

According to the DCA's evaluation of HUD's Comprehensive Housing Affordability Strategy dataset there are zero households in Chesterfield living in units lacking complete plumbing and/or kitchen facilities and zero units that are overcrowded and occupied by low- and moderate-income households. The Township's rehabilitation obligation is therefore zero.

## A. Look Back to Prior Rounds

N.J.S.A. 52:27D-304.1(3)(f)(2)(a) provides that as part of its housing element and fair share plan, the municipality shall include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing obligations as established by prior court approval, and determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its prior round obligations. If a prior round obligation remains unfulfilled, or a municipality never received approval from court or the council for any prior round, the municipality shall address such unfulfilled prior round obligation in its housing element and fair share plan.

In addressing prior round obligations, the municipality shall demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity, which may include proposing changes to the zoning on the site to make its development more likely, and which may also include the dedication of municipal affordable housing trust fund dollars or other monetary or in-kind resources. The municipality shall only plan to replace any sites planned for development as provided by a prior court approval, settlement agreement, or approval by the council, with alternative development plans, if it is determined that the previously planned sites no longer present a realistic opportunity, and the sites in the alternative development plan provide at least an equivalent number of affordable units and are otherwise in compliance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the Mount Laurel doctrine.

### 1. Prior Round Obligation

The Prior Round obligation is the cumulative prospective need obligation for the First and Second Rounds of affordable housing (1987 to 1999). Chesterfield Township's **Prior Round Need of 55** units was calculated by COAH in accordance with N.J.A.C. 5:93, and the Second Round Fair Share Plan was approved by the Court. COAH's Second Round rules, contained at N.J.A.C. 5:93, provide the parameters that permit affordable housing credits and bonuses to be applied toward affordable housing obligations for the Prior Round.

A summary of Chesterfield’s Prior Round compliance plan is provided on the table below. A complete list of the affordable housing units in Old York Village is provided in Appendix D.

Chesterfield Township Prior Round Obligation: 55						
Block	Lot	Compliance Mechanism	Type	Status	Units	Bonuses
200	1	Crosswicks Inn	Family Rental	Complete	1	1
901	7.02	Catholic Charities	Rental SSN	Complete	3	3
206.210	4	90&100 Saddle Way	Family Rental	Complete	8	8
206.223	3	95 &105 Saddle Way <sup>6</sup>	Family Rental	Complete	2	2
Various		Old York Village Inclusionary	Family For Sale	Complete	27	0
<b>Total</b>					41	14
					55	

The minimum number of affordable rental units and maximum number of age-restricted affordable units are established based on the following formulas set forth in COAH’s Second Round rules at N.J.A.C. 5:93.

1. Minimum number of rental units (25% of obligation): 14
2. Maximum number of age restricted units (25% of obligation minus RCAs): 14
3. Bonus credits (max 25% of obligation): 14

## 2. Third Round Obligation

Chesterfield Township did not have a Third Round Settlement Agreement with Fair Share Housing Center, and prior to the Township’s participation in the Fourth Round process, the Township’s Third Round fair share obligation had not been formally established. In 2018 Econsult calculated all municipal obligations using the methodology set forth in Judge Jacobson’s opinion In the Matter of the Application of the Municipality of Princeton, L-1550-15. Prior to 2025, the Township had continued to implement its Court-approved inclusionary Transfer of Development Rights program to accrue affordable housing units credited to the Third Round. Through its participation in the Affordable Housing Dispute Resolution Program and in cooperation with the Program Judge, Special Adjudicator and Fair Share Housing Center, the Third Round number has been set at 90 and the Township has outlined its Third Round compliance plan.

Chesterfield’s Third Round prospective need compliance plan is outlined in the table below.

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<sup>6</sup> 95 &105 Saddle Way is part of The Residence at Old York Village and contains 7 affordable units. Two are applied to the Prior Round and the remaining units are applied to the Third Round.

Chesterfield Township								
Round 3 Prospective Need: 90								
Block	Lot	Name & Location	Unit Type	Sale/Rent	VL/Low/Mod	Status	#Units	#Bonus
206.223	3	95 &105 Saddle Way <sup>7</sup>	Family	Rent	1VL/1L/3M	Complete	5	5
Various		Old York Village Inclusionary <sup>8</sup>	Family	Sale	10L/11M	Complete	21	0
206	17.01	87 Bordentown Chesterfield Road	Family	Rent	5 VL/16L/20M	Proposed	41	18
							67	23
Total							90	

The Third Round is subject to the following crediting parameters. The calculations below are based on the 90 credits outlined above.

1. Maximum Rental Bonuses (25% of obligation) = 23
2. Minimum Third Round Total Family Units (50% of obligation- bonuses)= 34
3. Maximum Third Round Age-Restricted Units (25% of obligation) = 23
4. Minimum Third Round Rental Units (25% of obligation) = 23
5. Maximum Third Round Family Rental Units (50% of required rental)= 12
6. Minimum Third Round Very Low-Income Units (13% of units approved/created after 7/17/2008) = 8
7. Minimum Third Round Very Low-Income Family Units (50% of required very low income units) = 4

The continued implementation of the TDR program and the Old York Village plan in its current form would have resulted in the construction of approximately 11 additional affordable housing units.<sup>9</sup> This plan proposes revisions to the Planned Village Development standards for the remaining undeveloped and unapproved land in the receiving area, to enable the development of a 100% affordable residential development on Block 206 Lot 17.01, as described below, and increased affordable housing set aside for inclusionary development on the remaining unapproved properties, will result in increased total residential yield and affordable housing yield.

Since the initial adoption of the Fourth Round Fair Share Plan in June of 2025, the Township has, in coordination with Fair Share Housing Center and representatives of the largest remaining undeveloped tract in the receiving area, evaluated the PVD zoning standards, the availability of development credits, the optimal use of the land based on market conditions, development costs, and affordable housing subsidy costs. This collaborative evaluation has also resulted in a

<sup>7</sup> 95 &105 Saddle Way is part of The Residence at Old York Village and contains 7 affordable units. Two were applied to the Prior Round and the remaining units are applied to the Third Round.

<sup>8</sup> Inventory of completed affordable units is included in Appendix D.

<sup>9</sup> It had been anticipated that 11 affordable housing units would accrue as follows: 8 from Block 107 Lot 20 (Liedtka tract), 2 from Block 206 Lot 17.02 (Bentley Farm), and 1 from Block 107.04 Lot 7 (118NP site).

determination of the Third Round prospective need obligation (90 units). The Township hired Otteau Group to prepare a market study to consider the feasibility of increasing the affordable housing set aside in the receiving area without compromising the integrity of the TDR program (transferring development rights from the sending area to the receiving area at market value) or the character of Old York Village. As a result of this evaluation and related negotiations, the Fair Share Plan is amended to make specific recommendations to lay the foundations for the compliance plan set forth herein.

## B. Fourth Round Prospective Need

The amended Fair Housing Act defines prospective need as a “projection of housing needs based on development and growth which is reasonably likely to occur in a region or municipality, as the case may be, as a result of actual determination of public and private entities.” The methodology for calculating the prospective need is set forth at N.J.S.A. 52:27D-304.3(c). The prospective need is calculated based on three factors: the nonresidential valuation factor, the income capacity factor, and the land capacity factor. The three factors are averaged to yield the municipality’s average allocation factor for distributing the regional prospective need to the municipality. The NJ Department of Community Affairs (DCA) calculated Chesterfield Township’s Fourth Round number to be 60.

Based on the history and context described in detail in sections IIC and IID above, and as outlined in Township Resolution 2025-1-33 filed with the Township’s Declaratory Judgement Action on January 24, 2025, the Township found that the “one size fits all” methodology is unfit to account for the unique circumstances surrounding land planning in Chesterfield Township. The Township provided an explanation in the binding resolution and proposed a reduced prospective need number of 16. Following mediation, the Township’s **Fourth Round prospective need obligation was set at 45 units**. On April 17, 2025, by Order of Judge Cook, the municipal fourth round prospective need obligation was fixed at 45.

The following table summarizes Chesterfield Township’s Fourth Round compliance plan. The locations of the affordable housing sites are included on Map 2.

Chesterfield Township Round 4 Prospective Need: 45								
Block	Lot	Name & Location	Unit Type	Sale/Rent	VL/Low/Mod	Status	#Units	#Bonus
107	20	Inclusionary Old York Village Liedtka Site <sup>10</sup>	Family	Sale	2 VL/4 L/ 6M	Proposed	12	0
206	17.01	100% Affordable 87 Bordentown Chesterfield Road	Family/Special Needs Mix	Rent	3VL/6L/ 10M	Proposed	19 to 25	11
TBD		Supportive Special Needs-Group Home	SSN	Rent	4 VL	Possible (if needed)	4	0
							34 to 37 <sup>11</sup>	11
<b>Total</b>								<b>45</b>

### 1. Bonus Credits and Fourth Round Parameters

N.J.S.A. 52:27D-311(k) provides that a municipality is permitted to satisfy up to 25% of its prospective need obligation through the use of bonus credits. For Chesterfield’s Round 4 obligation (45 units) this is 11 Bonus Credits. The following types of bonus credits may be available as part of Chesterfield’s Fourth Round fair share plan.

- **N.J.S.A. 311(k)(8)** provides that for low- and moderate- income housing in a 100% affordable housing project for which the municipality contributes toward the costs of the project (land and/or AHTF money) consisting of at least 3% of the project cost the municipality may claim 1 bonus credit per unit. *The Township intends to purchase and contribute land for the 100% affordable housing site.*
- N.J.S.A. 311(k)(1) provides that for low- and moderate- income housing for individuals with special needs or permanent supportive housing, municipalities may claim 1 bonus credit per unit.
- N.J.S.A. 311(k)(5) provides that for each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution (pursuant to the Uniform Housing Affordability Controls) the municipality may claim .5 bonus credit per unit.

<sup>10</sup> This plan proposes to modify the TDR credit requirements for market rate units and to increase the required affordable housing set aside from 6% to 10% on the Liedtka property.

<sup>11</sup> Any additional credits accrued will be applied to the Fifth Round.

- N.J.S.A. 311(k)(6) provides that for each unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space the municipality may claim .5 bonus credit per unit.

The Fair Housing Act provides parameters to guide the compliance plan and ensure that certain objectives are met. The following are key to the compliance plan:

- A minimum of 50% of the affordable housing units must be family housing units.
- A minimum of 25% of the affordable housing units, exclusive of any bonus credits, must be rental units, and a minimum of half of the rental units must be family rental units.
- A maximum of 30% of affordable housing units, exclusive of any bonus credits may be age-restricted housing units.

## 2. Old York Village (Block 107 Lot 20)

### Receiving Area Inclusionary Housing

#### Block 107 Lot 20

#### 12 Family Affordable

This receiving area lot, known as the Liedtka property, has been part of the receiving area since the outset of the TDR program. It has therefore been included in the Township's earlier fair share compliance plans and has been deemed suitable for inclusionary housing. The 61-acre site has a TDR credit allocation of 7.75 and is currently within the PVD-1 district. The intensity of use within the planned village (receiving area) is limited by a standard of development credits per acre rather than by conventional standards of dwelling units per acre or floor area ratio. The PVD-1 zone is located on the north side of Bordentown Crosswicks Road and allows a maximum intensity of use of 2 credits per acre. The credit per acre standard enables the development of a mix of housing types on a variety of lot sizes (perimeter village lot, village lot, triplex/townhouse, affordable unit). Therefore, the potential residential yield is a range that depends upon a developer's site design and proposed mix of unit types. The site is constrained by the presence of a tributary to Crosswicks Creek and associated wetlands and flood hazard areas. Though various combinations of lot sizes are permitted, the village concept plan included in the 2002 Master Plan had anticipated the development of approximately 120 residential units on the tract with 8 affordable units.

This plan proposes increasing the required affordable housing set aside from 6% to 10% and modifying the TDR credit requirements as set forth in the table below. The PVD zoning requirements will also be amended to affirm that a duplex or quad type building is permitted to accommodate the required affordable housing units and that such buildings should be interspersed throughout the development area. The increase in the affordable housing set aside will be made possible by reducing the number of credits required for the market rate units. The changes will also affect other undeveloped and unapproved sites in the receiving

area and may result in a small number of additional affordable housing units or payments in lieu as explained below. The intent is to balance the interests of the receiving area landowners, sending area credit holders, developer/builders, Township, and County.

Permitted and Proposed Residential Unit Types and Credit Requirements			
Residential Lot/Unit Type	Lot size	Current Credit Requirement	Proposed Credit Requirement
Detached perimeter lot	8,000 to 10,000 square feet	1	.6
Detached village lot	4,500 to 7,000 square feet	.9	.54
Triplex (townhouse) lot	2,500 to 4,500 square feet	.75	.45
Affordable Unit		0	0
Semi-detached	3,000 to 4,500 sq ft each unit		
Quadraplex	8,000 sq ft min (for 4 units)		

The development of Old York Village is nearing completion. Over 1,100 TDR credits have been enrolled and the receiving area has been developed with 1,133 housing units over the last 24 years. To increase the potential for affordable housing on the largest remaining tract of land in the receiving area, while maintaining the integrity of the TDR program, the Township will modify the credit requirements as set forth above and will facilitate communication with credit holders to encourage the private market sale of sending area credits (which results in farmland preservation). In order to develop the tract as intended, the developer will require approximately 55 credits. The TDR program aims to ensure that those interested in selling their credits have opportunity to do so. Further, the Township will facilitate communication and coordination with Burlington County to hold a TDR credit auction if necessary to make adequate credits available to enable the development (it is anticipated that it will be necessary).

It is the strong preference of the Township and the County that credits available in the private market be utilized to transfer development potential from the sending area to the receiving area. If inadequate credits are available, because private credit holders are not interested or not willing to sell their credits at a fair price or within a reasonable time frame, then credits held by Burlington County in the credit bank may be auctioned to ensure optimal development of the remaining receiving area, consistent with this Fair Share Plan and generally consistent with the village plan.<sup>12</sup> The minimum credit price will be set to ensure that inclusionary

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<sup>12</sup>Township Code Section 130-134A provides that the Chesterfield Township Committee is authorized to enter an agreement with the Burlington County Commissioners to utilize the County Development Credit Bank to facilitate the marketing of development credits between owners of land with credit allocations and the owners of land where credits may be used. Section 130-134B further indicates that the use of public funds to purchase development credits for resale is deemed to be a public purpose, to facilitate the permanent preservation of lands for agriculture in the sending area. Section 130-134C(9) provides that the bank shall be empowered to sell development credits after it has acquired them, and that the sale may occur only after it is demonstrated that there is a significant demand for credits which is not being satisfied by the landowners holding development credits. The price at which the bank may sell its credits

development of the Leidtka tract is economically feasible. Credit prices have varied widely since the TDR credit market was activated in 2003. The minimum bid price will be set using information and analysis provided by the Township's real estate and economic advisors, Township staff and professionals, and local developers. In the event that the County is unable or unwilling to activate the County Development Credit Bank to sell TDR credits needed to actualize the development, the Township will consider the means to facilitate the development without undermining the integrity of the TDR program.

The design principles espoused in the 1997, 2002, and 2003 Master Plans and in the Township Code (Article IX and section 130-83) will remain in place. The design quality, the traditional neighborhood design, the focus on a pedestrian oriented and people centered neighborhood, and the value of Old York Village will be upheld. Modifications to the Land Development Code will be made to ensure that the intended development of the remaining receiving area sites is possible without the need for variances.<sup>13</sup>

The Township considered increasing the credit per acre standard for this site from 2 credits per acre to 3 credits per acre to enable increased residential development and a proportionate increase in the affordable housing set aside. The landowner has indicated that the optimal use and development of the site is primarily with single family homes and that the wetland and buffer constraints would inhibit development of more than 115 to 120 units on the site. Therefore, the 2 credit per acre standard will remain. However, the reduced credit requirements will have the result of enabling additional yield, should the developer wish to consider it.

**Map 2** shows the location of the Old York Village inclusionary PVD zone. Block 107 Lot 20 is located at the northeast corner of the village.

### 3. 100% Affordable Housing Development

**87 Bordentown Chesterfield Road**

**Block 206 Lot 17.01**

**60 Family and Special Needs Affordable Rental (60 to 66 total: 41 for Third Round , 19 for Fourth Round)**

The Township has evaluated several potential locations for a 100% affordable housing development. Consistent with long standing Township, County, and State planning policies, the Township intends to provide for its affordable housing obligation with the smallest possible

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may be established by its Board of Directors or be established by the sale of credits through the receipt of sealed bids.

<sup>13</sup> This is not to say that a developer may not request or need variances for a proposed development, but that adjustments to the code will be made to ensure that the anticipated development of 115 residential units with a 10% affordable housing set aside and reduced credit requirements is fundamentally possible and consistent with the zoning requirements.

development footprint within the existing sewer service area and designated TDR receiving area. The sewer service areas (the TDR receiving area and Crosswicks Village) have access to utility infrastructure, can be integrated into the fabric of the community, and are reasonably proximate to other developed areas, infrastructure, employment, and shopping opportunities. In support of this goal, the Township proposes to purchase a tract of land at 87 Bordentown Chesterfield Road for the development of a sixty (60) unit 100% affordable family rental development. The Township has determined that this will be the most effective and efficient means to add needed affordable units in the context of the community's historic and planned villages. This project will enable the Township to facilitate the production of affordable housing and meet its full Third Round and Fourth Round obligation without unduly undermining other important and sometimes competing policy objectives. The affordable units in this development will be rental units, which the Township needs for its compliance plan. The municipal contribution of funds to purchase the property will make development eligible for bonus credits under the Fourth Round legislation (and rental bonuses under the Third Round rules). Though a different form of development, the affordable rental development will be designed to reflect traditional neighborhood design, architectural quality, and pedestrian orientation and connectivity.

### **Site Suitability**

In accordance with N.J.A.C. 5:93-5.3 sites designated for inclusionary development or municipally sponsored affordable housing must be available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1.3. Further, 100% affordable housing sites (municipally sponsored development) must meet the requirements of N.J.A.C. 5:95-5.5. From a sound land use planning perspective, the site suitability factors must be considered as parts of a whole rather than in isolation. Each factor is affected by and/or interconnected with other suitability factors.

### **Available Site**

An available site means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.

- Block 206 Lot 17.01 is under contract by Chesterfield Township.
- The Township has obtained an appraisal for the property.
- The Township will order a title report upon adoption of the bond ordinance (ordinance 2026-2), to ensure that the site has clear title and is free of encumbrance.

### **Suitable Site**

A suitable site means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The 6-acre site is within the Planned Village Development (PVD-2) zoning district and is surrounded by residential and planned residential development. The site has frontage on Bordentown Chesterfield Road to enable direct access to the site, and also has the potential to connect to planned village development to the north. The property to the north, known as the

Bentley Farm (Block 206 lot 17.02), is approved for the development of 23 village houses and has two roadway connections to other developed portions of Old York Village. The Bentley Farm subdivision was designed to enable interconnection with 87 Bordentown Chesterfield Road, consistent with the design policies for the planned village.

There are no wetlands on the site. The site contains a single-family dwelling, which will be demolished to create a larger development area for the proposed development. There are no other known environmental constraints on the site.

### **Developable Site**

A developable site means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

The site is within the designated sewer service area in the Tri-County Water Quality Management Plan. The Township has an Operations Agreement for Sewer Services with the State Department of Corrections. Wastewater from Chesterfield's sewer service area flows to the treatment plant at the Albert C Wagner Youth Correctional Facility (now merged with the Garden State Youth Correctional Facility). The Township planned and installed the transmission and conveyance system and developers in the receiving area constructed the residential (and commercial) collection system. There is a flow meter at the point of interconnection. The site is also within the Township's water franchise area.

### **Approvable Site**

An approvable site means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.

A new PVD zoning district (PVD-4) will be prepared and adopted to enable the proposed affordable multifamily residential development. The permitted residential density will be 11 units per acre, and TDR credits will not be required for affordable units (consistent with current requirements). The maximum permitted height will be 2 ½ stories (35 feet). The development will be required to connect to the overall PVD through the Bentley subdivision to the north.

**The COAH rules at N.J.A.C. 5:93-5.5 provide that a municipally sponsored construction program shall address the following:**

#### **Site Control (N.J.A.C. 5:93-5.5(a))**

The municipality shall demonstrate that it has site control or has the ability to control the site. Control may be in the form of outright ownership or an option on the property. Chesterfield Township has a contract to purchase the site. The Township has acquired an appraisal, has

adopted an authorizing ordinance (ord. 2026-1), and has introduced a bond ordinance (Ord. 2026-02) that is scheduled for adoption in March 2026.

### **Administrative Agent**

An administrative mechanism shall be submitted for the development indicating who will income qualify applicants and administer the units once they are occupied.

The Township has not yet formally selected a developer but anticipates entering a Memorandum of Understanding with an experienced affordable housing developer after the bond ordinance is adopted. The affordable housing developer will be the owner and operator of the residential development and will serve as the long-term administrative agent for the proposed development. The Township's administrative agent is Acuity Consulting Services. Experienced affordable housing developers typically have professional administrative agents on staff and will oversee all aspects of the development ensuring adherence with DCA's and HMFA's requirements and the applicable UHAC requirements (affirmative marketing, income distribution, minimum 13% very low-income, ensuring the filing of 45-year affordability controls, affirmative marketing, income qualifying tenants and overseeing the long-term management of the development). The Township's administrative agent will oversee monitoring of the affordable units.

### **Funding**

The municipality shall submit detailed information demonstrating that it has adequate funding capabilities.

Chesterfield Township has introduced a bond ordinance (Ordinance 2026-01) authorizing the acquisition of lot 17.01 in block 206, which will be adopted on February 12, 2026. To support the purchase of land for the affordable housing development, the Township will allow small scale developments in the PVD and within designated redevelopment and rehabilitation areas that would result in the production of two or fewer affordable units to make a payment in lieu of providing affordable housing. The funds will be deposited in the Affordable Housing Trust Fund and utilized to pay down the debt on 87 Bordentown Chesterfield Road. The payments to the AHTF may also be utilized to support the creation of a four bedroom group home (supportive and special needs housing) if needed to satisfy the Township's fair share obligation.

The designated developer will pursue funding from available sources with the Township's support.

### **Construction Schedule**

A construction schedule, or timetable, shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction.

The Township is working to lay foundations for the project. The construction schedule will be updated when a developer is selected. The Township intends to advocate for and support efforts to enable project funding within the next two years.

**Bedroom and Income Distribution**

The following table includes the bedroom and income breakdown for the proposed 60 family units.

Chesterfield Township 87 Bordentown Chesterfield Road 100% Affordable Site				
	Very Low	Low	Moderate	
One Bedroom	2	4	6	12
Two Bedroom	4	13	18	35
Three Bedroom	2	5	6	13
Total	8	22	30	<b>60</b>

a. **Alternative Site for 100% Affordable Housing.**

**State of New Jersey Division of Institutions Land, 455 Ward Avenue (Block 104 Lot 2)**

As the Township reviewed viable locations for a 100% affordable housing site, State owned land in the northwest corner of the municipality was considered. This property is located in the northwestern corner of the Township, west of the New Jersey Turnpike. The 25 acre lot is on the south side of Ward Avenue, across from the 555 acre lot developed with the Garden State Youth Correctional Facility (GSYCF) and proposed for a new women’s prison. The site is within the AG Agricultural zoning district. Two separate prison facilities have been located on lot 2.01 in block 105, and lot 2 in block 104 has at times been farmed and is undeveloped. The wastewater treatment facility on lot 2.01 serves both the GSYCF and Chesterfield Township (Crosswicks Village and the Old York Village receiving area) and could reasonably be extended to serve 455 Ward Avenue.

In 2022 the Township designated the site as an Area in Need of Redevelopment, with the intent of preparing for any future land use change. The Township has been in communication with the State of New Jersey about the potential to acquire land across Ward Avenue from the prison property. This area is removed from the Department of Corrections’ activities on the site and not far from Crosswicks Village. The process of acquiring land from the State is long and uncertain. However, the Township will continue to communicate with the State about the potential acquisition to ensure that there is a “plan B” in the event that 87 Bordentown Chesterfield Road development cannot be brought to fruition.

**4. Supportive and Special Needs Housing**

The Township will identify a location for a supportive and special needs group home if needed to satisfy the Fourth Round obligation. When a site plan and funding are in place for 87 Bordentown Chesterfield Road, the Township will have certainty about the number of units to be developed on that site. If that number, together with the affordable units on Block 107 Lot 20, does not fully satisfy the obligation, then the Township will work with an experienced developer and operator to identify a site to build a new residential unit or to convert an existing one-story residential unit. The Township will utilize affordable housing trust funds to support this development. The Township will enter into an affordable housing agreement with the provider to ensure that the unit has 40 year affordability controls and is administered by a qualified and certified administrative agent. When a site is identified, details of this compliance mechanism will be added to the Appendices.

### **C. Affordable Housing Trust Fund**

The Fair Housing Act (N.J.S.A. 52:27D-329.2) provides that a municipality in the process of seeking compliance certification or that has obtained compliance certification, and which has adopted a municipal development fee ordinance shall be authorized to impose and collect development fees from developers of residential properties in accordance with rules promulgated by the department (DCA). Further, the Statewide Non-residential Development Fee Act enables the collection of non-residential developers in support of affordable housing. Chesterfield Township initially adopted a Development Fee ordinance on May 10, 2001, which was approved by COAH and the Court. The Affordable Housing Development Fee requirements (Township Code section 130-122) were updated by Ordinance 2009-6 on February 11, 2009 and approved by COAH. An order authorizing a specific expenditure for the market to affordable unit at the Crosswicks Inn (\$35,000) was entered by Judge Bookbinder on June 5, 2009. A fully updated Spending Plan was prepared and submitted as part of the Township's 2010 Housing Element and Fair Share Plan.

Chesterfield's Affordable Housing Trust Fund is in a separate interest-bearing account at First Bank. As required by N.J.S.A. 52:27D-329.2, Chesterfield has entered updated information into DCA's AHMS including a detailed accounting of development fees that have been collected and expended since the inception of the municipal authorization to collect fees. Updated detailed accounting is required by February 15<sup>th</sup> of each year in the compliance cycle.

As of December 31, 2024 there was \$48,916.32 in Chesterfield's Affordable Housing Trust Fund. The collected development fee revenues have been minimal, as the majority of development in Chesterfield has taken place within the inclusionary planned village.

To facilitate the development of the proposed 100% affordable housing site at 87 Bordentown Chesterfield Road, the Township proposes to allow small scale residential developments in the TDR receiving area and designated redevelopment areas that are also within the sewer service area, that would yield two or fewer affordable housing units, to make a payment in lieu of

constructing affordable units.<sup>14</sup> The payments to the Affordable Housing Trust Fund will support the 100% affordable housing development at 87 Bordentown Chesterfield Road, potentially a supportive and special needs home, and other permitted affordability assistance programs.

An updated Affordable Housing and Development Fee ordinance and a new Spending Plan are being prepared and will be added to this Housing Element and Fair Share Plan upon their completion and adoption.<sup>15</sup> The amended Fair Housing Act required that the DCA promulgate updated regulations related to the establishment, administration, reporting, and enforcement of the expenditure of affordable housing development fees by municipalities, which shall include establishing an expedited process for approving spending plan expenditures for emergent opportunities to create affordable housing after a municipality has obtained compliance certification and procedures for monitoring the collection and expenditure of trust funds.

The updated Fourth Round Spending Plan will include the following anticipated revenues. Though the anticipated projects have been evaluated, the Township hesitates to commit to spend funds that may not be collected if the projects do not come to fruition. The Spending Plan will include contingencies.

Project	Type of Development	Anticipated Completion Date	Anticipated AHTF Revenue
Existing Balance			\$48,916
118NP Block 107.04 Lot 7	12 unit residential	2027	\$180,000
Bentley Farm Block 206 Lot 17.02	23 unit residential	2028	\$360,000
Mincemeat Factory Redevelopment Block 302 Lot 1	5 unit residential	2028	\$180,000
Ottavi Property Block Lot	11 Unit Residential	2029	\$180,000
Oliver Communications	Light Industrial/Office	December 2025	\$50,000
Ward Avenue Storage	Redevelopment Light Industrial	2028	\$183,000
Leader Meat Processing	Light Industrial	2028	\$115,000

<sup>14</sup> Development that would yield more than two affordable units shall be required to build the affordable housing units onsite.

<sup>15</sup> N.J.S.A .52:27D-32.2(a) requires that a spending plan for current and projected funds through the current round are to be included in the housing element and fair share plan.

Active Acquisitions OYR	Light Industrial/ Warehouse/Office	2029	\$1,485,000
Total			\$2,781,916

The updated Fourth Round Spending Plan will include the following anticipated expenditures. The affordability assistance to support infrastructure in the Old York Village will support the increased affordable housing set aside within the undeveloped area and expansion area (currently 6%, with up to 15% proposed).

Type of Expenditure	Project	Number of Units	Amount
Land Purchase for 100% Affordable Site Block 206 Lot 17.01	100% Affordable Contribution	60	\$1,100,000
Supportive and Special Needs Housing	TBD	4	\$200,000
Affordability Assistance	Old York Village Inclusionary	2 VL Support the provision of at least 2 very low income units	\$30,000 subsidy for 2 very low-income units <b>\$60,000 Total</b>
Affordability Assistance	TBD		<b>\$721,916</b>
Contribution toward 100% Affordable Site	100% Affordable Contribution	60	\$400,000
Administration	Overall	Preparation and Implementation of HEFS Plan, Administration of Units, Yearly Compliance Monitoring	\$300,000

#### D. Cost Generation

Chesterfield Township has worked with developers in the Old York Village receiving area to ensure the viability of the affordable units within the village. The Township proposes, as part of the implementation of this plan to review and modify the PVD zoning requirements to enable a greater affordable housing set aside to satisfy the Fourth Round obligation and the production of affordable housing. The Township has and will continue to ensure the removal of unnecessary cost-generating requirements. Once DCA and HMFA finalize their proposed rules, the Township will consider revisions to the Land Development Code that may be necessary to address new requirements related to cost generation.

#### E. Administration

Affordable housing units are required to be administered by a certified administrative agent that will oversee all aspects of the affordable units to ensure adherence to DCA’s and HMFA’s requirements and the applicable UHAC requirements (affirmative marketing, income distribution, minimum 13% very low-income, ensuring the filing of 45-year affordability

controls, income qualification of tenants, and overseeing the long-term management of the development).

Sales and re-sales of affordable units in Old York Village had been administered by NJHMFA's Housing Affordability Service (HAS). In 2025 Township appointed Acuity Consulting Services to serve as the Township's qualified administrative agent. The administrative agent is gathering and organizing information to assist the Township with monitoring and administration.

## F. Monitoring

In accordance with the requirements of N.J.S.A. 52:27D-329.2 and -329.4, by February 15 of each year of the Fourth Round, the Township will provide a detailed accounting through DCA's new online portal of all residential and non-residential fees collected, interest earned, and other income collected and deposited into the Township's affordable housing trust fund during the prior calendar year. The Township will also provide a detailed accounting of all expenditures of affordable housing trust funds during the prior calendar year, including purposes and amounts, and documentation of the balance remaining in the affordable housing trust fund as of December 31 of that year.

The status of implementation of the Fair Share Plan may be evaluated by the Township or an interested party at the midpoint of the certification period by filing a request with the Program for a realistic opportunity review. If such an action is initiated, The Township may propose one or more alternative sites with an accompanying development plan or plans that provide a realistic opportunity for the same number of affordable units and are otherwise in compliance with the FHA and the *Mount Laurel* doctrine.